IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9106 of 2005

Between:

M.Maddileti S/o.M.Laxmanna,
Asst.Manager (T), presently working in APSRTC Nagarkurnool Depot,
Mahabubnagar District.

..... PETITIONER

AND

1 The vice-Chairman and Managing Director,

APSRTC, RTC "X" Roads, Hyderabad.
2 The Executive Director, Hyderabad and Karimangar Zone,

APSRTC, Hyderabad.
3 The Dy.Chief personnal Manager, APSRTC, Hyderabad Zone,

MGBS, Hyderabad.
4 The Law officer-I, APSRTC, Hyderabad Zone, MGBS Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of writ of Mandamus declaring the order No.E2/255(1)/2005/HZ, dt.18-3-2005 of the 3rd respondent as illegal, arbitrary, (which is not served on the petitioner) and also further declare the proc.No.L3/255(1)/05-HZ, dt.19-3-2005 issued by the 4th respondent is illegal arbitrary and further direct the respondents to continue the petitioner at Hyderabad from where the petitioner is transferred.

Counsel for the Petitioner : Mr. M.Maddileti, PARTY-IN-PERSON

Counsel for the Respondents : MR.V.T.M.PRASAD

The Court at the stage of admission made the following :

ORDER:

Seeking to declare the order No.E2/255(1)/2005/HZ, dated 18-03-2005 of the 3rd respondent as illegal and arbitrary, the present writ petition is filed.

The petitioner while he was working as Junior Law Officer in Legal Cell, APSRTC, Hyderabad zone, received a relieving order issued by the 4th respondent on 19-03-2005 vide No.L3/255(1)/05-HZ, dt.19-03-2005, basing on the transfer proceedings issued by the 3rd respondent. By virtue of the same, the petitioner was relieved on the afternoon of 19-03-2005 and he was directed to report at Mahaboobnagar Region. Challenging the same, the present writ petition is filed.

The party-in-person contended that the transfer order is nothing but victimization as he gave representations to the respondents on 25-09-2004 and 17-02-2005 for payment of additional allowance. He further contended that his representations might be considered as no transfer orders have been served on him.

The learned standing counsel appearing for the respondents contended that the transfer orders have been served on the petitioner and he was relieved from his duties. He further contended that the transfer is not only an incident of service, but also one of the actions taken by the authorities. Unless the transfer orders are initiated by any malafides or against the rules, the authority, which passed that transfer orders has no jurisdiction. Normally, this Court will not interfere with the transfer orders. There are no malafides attributed to the authority, which transferred the petitioner. So also, it is not a case where the transfer was affected contrary to the service rules. Therefore, the order under challenge does not suffer from any illegal infirmities so as to call for any interference of this Court.

Therefore, the writ petition is dismissed for devoid of merits. However, the dismissal of the writ petition does not preclude the respondents in taking appropriate decision on the representation of the petitioner dated 17-02-2005 in accordance with rules and regulations. No order as to costs.

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K.C.BHANU, J.

Dated: 21..04..2005.

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To

1 The vice-Chairman and Managing Director,

APSRTC, RTC "X" Roads, Hyderabad.

2 The Executive Director, Hyderabad and Karimangar Zone,

APSRTC, Hyderabad.

3 The Dy.Chief personnal Manager, APSRTC, Hyderabad Zone,

MGBS, Hyderabad.

4 The Law officer-I, APSRTC, Hyderabad Zone, MGBS Hyderabad.

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